



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,077	08/30/2006	Norishige Emoto	1033318-000034	5955

21839 7590 10/27/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

CORBO, NICHOLAS T

ART UNIT	PAPER NUMBER
----------	--------------

2427

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/27/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/591,077	Applicant(s) EMOTO ET AL.	
	Examiner NICHOLAS T. CORBO	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/30/2006 12/26/2007 04/18/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Stinebruner US 6133910.

Regarding claim 1, Stinebruner discloses a video information distribution and display system comprising a video information distribution device (**see Fig. 1, video sources 5**) that distributes and outputs video information including dynamic image video information and processed digital static image video information (**see Col. 4, Line 63 - Col. 5, Line 1 for disclosing the video sources distributing and outputting video signals comprising channels which include moving/dynamic television video information, and therefore also includes the ability to broadcast individual processed digital (see Col. 6, Lines 39-48 for disclosing the tuners being digital tuners receiving digital broadcasts) still frames/images**), and an image control signal (**see Col. 5, Lines 56-63 for disclosing the controller for controlling the tuner and source selector, thereby controlling what images are viewed**), and a video information receiving and display device that receives and displays the video information (**see Fig. 1, video system 10 excluding the video sources**),

Art Unit: 2427

characterized in that the video information receiving and display device restores in advance a state before processing of processed digital static image video information of a next static image to be displayed, in accordance with an instruction of the image control signal, and stands by for next display (**see Col. 8, Lines 53-67 for disclosing the anticipation of a next static image, or next television channel containing static or dynamic images, when the channel up button is selection. The video system pre-tunes the next channel/restores in advance and stands by for the next press of the channel up button).**

Regarding claim 2, Stinebruner discloses the dynamic image video information is transmitted via a first transmission line and the processed digital static image video information is transmitted via a second transmission line (**see Fig. 1 for disclosing the dynamic and process digital static image video information, or television channels, can be sent over separate transmission lines from video source 1 and video source 2).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stinebruner US 6133910 in view of Potrebic et al US 6804824.

Regarding claim 3, Stinebruner discloses the limitations of claim 1 including the video information distribution device, the processed digital static image video information, the dynamic image video information, and the distribution and output of the information, and the video information receiving and display device.

Stinebruner fails to disclose the video information distribution device multiplexes the processed digital static image video information to the dynamic image video information, and the video information receiving and display device demultiplexes the processed digital static image video information from the multiplexed dynamic image video information.

Potrebic et al discloses the video information distribution device multiplexes the processed digital static image video information to the dynamic image video information **(see Col. 1, Lines 29-33 for disclosing all digital programming including both types of video information being multiplexed together by the provider/distribution device)**, and the video information receiving and display device demultiplexes the processed digital static image video information from the multiplexed dynamic image video information **(see Col. 1, Lines 33-36 and Col. 7, Lines 50-63 for disclosing the multiplexed data is identifiably packetized so that when demultiplexed at the client set top box/receiving and display device they are separated from the other data that they were multiplexed with at the provider)**.

Art Unit: 2427

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to modify the video system of Stinebruner to incorporate the set top box of Potrebic et al in order to supply the user with the additional feature of the ability to cache channels or maintain a snapshot of recently viewed channels, enabling the user to quickly review the current content of several different channels simultaneously without having to select and tune each of those channels individually (see Potrebic et al, Col. 2, Lines 50-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS CORBO whose telephone number is (571)270-5675. The examiner can normally be reached on Monday through Friday 900am-530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571)272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2427

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N.T.C.
Examiner, Art Unit 2427

10/16/2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427